

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNDRAY KNIGHTEN,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:15-cv-00205-TWP-DML
)	
SGT. CONNER.)	
Defendant.)	

E N T R Y

The Court has considered the plaintiff's motion for appointment of counsel. Pursuant to 28 U.S.C. § 1915(e)(1), courts are empowered only to "request" counsel. *Mallard v. United States District Court*, 490 U.S. 296, 300 (1989). If this Court had enough lawyers willing and qualified to accept a volunteer assignment, it would assign a volunteer attorney in almost every pro se case. But there are not nearly enough attorneys to do this. As a result, this Court has no choice but to limit appointment of counsel to those cases in which it is clear under the applicable legal test that the plaintiff must have the assistance of a lawyer. "When confronted with a request . . . for pro bono counsel, the district court is to make the following inquiries: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Pruitt v. Mote*, 503 F.3d 647, 654-655 (7th Cir. 2007).

The plaintiff's motion for the appointment of counsel states that he has attempted to recruit counsel on his own. The plaintiff should continue his attempt to recruit counsel on his own. But the motion does not provide any information regarding the plaintiff's ability to litigate or provide his deposition without the assistance of counsel. His motion [dkt 23] must therefore be denied. If

he chooses to renew his request for the appointment of counsel, he must provide the court with a list of the names of organizations and/or law firms he has contacted. In addition to informing the Court of how many attorneys he has written, he should provide information that would allow the Court to determine his ability to litigate on his own. The **clerk shall** include a copy of a form Motion for Counsel with the plaintiff's copy of this Entry. He may consider using this form if he renews his request for counsel.

IT IS SO ORDERED.

Date: 2/5/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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